

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OWEN DREW,

Defendant.

8:17CR269

ORDER

This matter is before the Court on defendant Owen Drew’s (“Drew”) Motion for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A) (Filing No. 53). That statute authorizes Drew to move the Court to “reduce [his] term of imprisonment” for “extraordinary and compelling reasons” thirty days after asking the warden of the facility where he is incarcerated to file such a motion on his behalf. *See also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020). Drew states he met that statutory requirement by making such a request on November 7, 2020, but he has yet to receive a response.

Upon initial review of Drew’s motion and supporting materials, the Court finds he has potentially raised a colorable claim for a sentence reduction under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel to represent Drew will help the Court evaluate his request for relief. Accordingly,

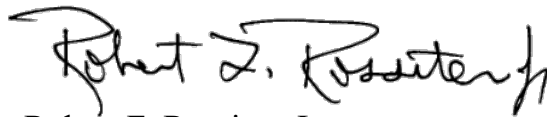
IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Drew for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

3. If, upon review, appointed counsel concludes the motion is frivolous, they may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Drew's request for sentencing relief and promptly file under seal a report summarizing the results of that investigation.
5. If necessary, the probation office is authorized to disclose Presentence Investigation Reports to Drew's counsel and the United States Attorney for the purpose of evaluating the motion. Drew's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Drew's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Drew's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. In particular, the parties should address Drew's medical conditions, including his vaccination status. Absent an extension or other request from the parties, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 24th day of March 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge